

PUBLIC LAW 113-291—DEC. 19, 2014

CARL LEVIN AND HOWARD P. “BUCK” MCKEON
NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2015

“(i) shall submit to the congressional defense committees and the congressional intelligence committees the plan or update, as the case may be, without change; and

“(ii) may include, with the plan or update submitted under clause (i), the views of the Secretary with respect to the plan or update.

“(4)(A) The Secretary, in coordination with the directors, shall carry out the plan developed under paragraph (1), including the updates to the plan developed under paragraph (2).

“(B) The Secretary may determine the manner in which the designing and building of prototypes of nuclear weapons is carried out under such plan.

“(C) The Secretary shall promptly submit to the congressional defense committees and the congressional intelligence committees written notification of any changes the Secretary makes to such plan pursuant to subparagraph (B), including justifications for such changes.”

(b) MATTERS INCLUDED.—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) MATTERS INCLUDED.—(1) The directors shall ensure that the plan developed and updated under subsection (a) provides increased information upon which to base intelligence assessments and emphasizes the competencies of the national security laboratories with respect to designing and building prototypes of nuclear weapons.

“(2) To carry out paragraph (1), the plan developed and updated under subsection (a) shall include the following:

“(A) Design and system engineering activities of full-scale engineering prototypes (using surrogate special nuclear materials), including weaponization features as required.

“(B) Design, system engineering, and experimental testing (using surrogate special nuclear materials) of above-ground experiment test hardware.

“(C) Design and system engineering of scaled or subcomponent experimental test articles (using special nuclear materials) for conducting experiments at the Nevada National Security Site.”

(c) CONFORMING AMENDMENT.—Subsection (c) of such section, as redesignated by subsection (b), is amended by striking “subsection (a), the Administrator” and inserting “this section, the Secretary”.

SEC. 3112. PLUTONIUM PIT PRODUCTION CAPACITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the requirement to create a modern, responsive nuclear infrastructure that includes the capability and capacity to produce, at minimum, 50 to 80 pits per year, is a national security priority;

(2) delaying creation of a modern, responsive nuclear infrastructure until the 2030s is an unacceptable risk to the nuclear deterrent and the national security of the United States; and

(3) timelines for creating certain capacities for production of plutonium pits and other nuclear weapons components must be driven by the requirement to hedge against technical and

geopolitical risk and not solely by the needs of life extension programs.

(b) PIT PRODUCTION.—

(1) IN GENERAL.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

50 USC 2538a.

“SEC. 4219. PLUTONIUM PIT PRODUCTION CAPACITY.

“(a) REQUIREMENT.—Consistent with the requirements of the Secretary of Defense, the Secretary of Energy shall ensure that the nuclear security enterprise—

“(1) during 2021, begins production of qualification plutonium pits;

“(2) during 2024, produces not less than 10 war reserve plutonium pits;

“(3) during 2025, produces not less than 20 war reserve plutonium pits;

“(4) during 2026, produces not less than 30 war reserve plutonium pits; and

“(5) during a pilot period of not less than 90 days during 2027 (subject to subsection (b)), demonstrates the capability to produce war reserve plutonium pits at a rate sufficient to produce 80 pits per year.

“(b) AUTHORIZATION OF TWO-YEAR DELAY OF DEMONSTRATION REQUIREMENT.—The Secretary of Energy and the Secretary of Defense may jointly delay, for not more than two years, the requirement under subsection (a)(5) if—

“(1) the Secretary of Defense and the Secretary of Energy jointly submit to the congressional defense committees a report describing—

“(A) the justification for the proposed delay;

“(B) the effects of the proposed delay on stockpile stewardship and modernization, life extension programs, future stockpile strategy, and dismantlement efforts; and

“(C) whether the proposed delay is consistent with national policy regarding creation of a responsive nuclear infrastructure; and

“(2) the Commander of the United States Strategic Command submits to the congressional defense committees a report containing the assessment of the Commander with respect to the potential risks to national security of the proposed delay in meeting—

“(A) the nuclear deterrence requirements of the United States Strategic Command; and

“(B) national requirements related to creation of a responsive nuclear infrastructure.

“(c) ANNUAL CERTIFICATION.—Not later than March 1, 2015, and each year thereafter through 2027 (or, if the authority under subsection (b) is exercised, 2029), the Secretary of Energy shall certify to the congressional defense committees and the Secretary of Defense that the programs and budget of the Secretary of Energy will enable the nuclear security enterprise to meet the requirements under subsection (a).

“(d) PLAN.—If the Secretary of Energy does not make a certification under subsection (c) by March 1 of any year in which a certification is required under that subsection, by not later than May 1 of such year, the Chairman of the Nuclear Weapons Council

shall submit to the congressional defense committees a plan to enable the nuclear security enterprise to meet the requirements under subsection (a). Such plan shall include identification of the resources of the Department of Energy that the Chairman determines should be redirected to support the plan to meet such requirements.”.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4218 the following new item:

“Sec. 4219. Plutonium pit production capacity.”.

SEC. 3113. LIFE-CYCLE COST ESTIMATES OF CERTAIN ATOMIC ENERGY DEFENSE CAPITAL ASSETS.

(a) IN GENERAL.—Subtitle A of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is amended by adding at the end the following new section:

“SEC. 4714. LIFE-CYCLE COST ESTIMATES OF CERTAIN ATOMIC ENERGY DEFENSE CAPITAL ASSETS. 50 USC 2754.

“(a) IN GENERAL.—The Secretary of Energy shall ensure that an independent life-cycle cost estimate under Department of Energy Order 413.3 (relating to program management and project management for the acquisition of capital assets) of each capital asset described in subsection (b) is conducted before the asset achieves critical decision 2 in the acquisition process.

“(b) CAPITAL ASSETS DESCRIBED.—A capital asset described in this subsection is an atomic energy defense capital asset—

“(1) the total project cost of which exceeds \$100,000,000; and

“(2) the purpose of which is to perform a limited-life, single-purpose mission.

“(c) INDEPENDENT DEFINED.—For purposes of subsection (a), the term ‘independent’, with respect to a life-cycle cost estimate of a capital asset, means that the life-cycle cost estimate is prepared by an organization independent of the project sponsor, using the same detailed technical and procurement information as the sponsor, to determine if the life-cycle cost estimate of the sponsor is accurate and reasonable.”.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4713 the following new item:

“Sec. 4714. Life-cycle cost estimates of certain atomic energy defense capital assets.”.

SEC. 3114. EXPANSION OF REQUIREMENT FOR INDEPENDENT COST ESTIMATES ON LIFE EXTENSION PROGRAMS AND NEW NUCLEAR FACILITIES.

(a) IN GENERAL.—Subsection (b)(1) of section 4217 of the Atomic Energy Defense Act (50 U.S.C. 2537) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and by moving such clauses, as so redesignated, two ems to the right;

(2) in clause (iii), as redesignated by paragraph (1), by striking “critical decision 2” and inserting “critical decision 1 and before such facility achieves critical decision 2”;

(3) in the matter preceding clause (i), as so redesignated, by striking “an independent cost estimate of”;

to Congress under section 1105(a) of title 31, United States Code), specific identification, as a budgetary line item, of the amounts required for uranium technology sustainment in support of the nuclear weapons stockpile in a manner that minimizes the use of plant-directed research and development funds for full-scale technology development past a technology readiness level of 5 (as defined in Department of Energy Guide 413.3–4A (relating to technology readiness assessment)).

Subtitle C—Plans and Reports

SEC. 3131. ANALYSIS AND REPORT ON W88 ALT 370 PROGRAM HIGH EXPLOSIVES OPTIONS.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy, the Administrator for Nuclear Security, and the Chairman of the Nuclear Weapons Council (established by section 179 of title 10, United States Code) shall jointly submit to the congressional defense committees a report on the W88 Alt 370 program that contains analyses of the costs, benefits, risks, and feasibility of each of the following options:

(1) Incorporating a refresh of the conventional high explosives of the W88 warhead as part of such program.

(2) Not incorporating such a refresh as part of such program.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include, for each option described in paragraphs (1) and (2) of subsection (a), an analysis of the following:

(1) Near-term and lifecycle cost estimates, including costs to both the Navy and the National Nuclear Security Administration.

(2) Potential cost avoidance.

(3) Operational effects to the Navy and to the capacity and throughput of the nuclear security enterprise (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)) of the National Nuclear Security Administration.

(4) The expected longevity of the W88 warhead.

(5) Near-term and long-term safety and security risks and potential risk-mitigation measures.

(6) Any other matters the Secretary, the Administrator, or the Chairman considers appropriate.

SEC. 3132. ANALYSIS OF EXISTING FACILITIES AND SENSE OF CONGRESS WITH RESPECT TO PLUTONIUM STRATEGY.

(a) **ANALYSIS REQUIRED.**—The Administrator for Nuclear Security shall include, as part of the Administrator’s planned analysis of alternatives to support the plutonium strategy of the National Nuclear Security Administration, an analysis of using or modifying existing facilities of the nuclear security enterprise (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)) to support that strategy, as part of critical decision 1 in the acquisition process for the design and construction of modular structures associated with operations of the PF-4 facility at Los Alamos National Laboratory, Los Alamos, New Mexico.

(b) **MATTERS INCLUDED.**—The analysis required by subsection (a) shall include an analysis of the following:

(1) The costs, benefits, cost savings, risks, and effects of using or modifying existing facilities of the nuclear security enterprise to support the plutonium strategy of the Administration.

(2) Such other matters as the Administrator considers appropriate.

(c) **SUBMISSION.**—The Administrator shall submit the analysis required by subsection (a) to the congressional defense committees not later than 30 days after completing the analysis.

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that the requirement to create a modern, responsive plutonium infrastructure is a national security priority, and that the Administrator must fulfill the obligations of the Administrator under section 3114(c) of the National Defense Authorization Act for Fiscal Year 2013 (50 U.S.C. 2535 note), as well as the commitment made by the Chairman of the Nuclear Weapons Council (established by section 179 of title 10, United States Code) in the letter of the Chairman, dated July 25, 2014, to the Committees on Armed Services of the Senate and the House of Representatives, to carry out a modular building strategy for plutonium capabilities that—

(1) meets the requirements for maintaining the nuclear weapons stockpile over a 30-year period;

(2) meets the requirements for implementation of a responsive infrastructure, including meeting plutonium pit production requirements; and

(3) includes plans to construct two modular structures that will achieve full operating capability not later than 2027.

SEC. 3133. PLAN FOR VERIFICATION AND MONITORING OF PROLIFERATION OF NUCLEAR WEAPONS AND FISSILE MATERIAL.

(a) **PLAN.**—The President, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence, shall develop an interagency plan for verification and monitoring relating to the potential proliferation of nuclear weapons, components of such weapons, and fissile material.

(b) **ELEMENTS.**—The plan developed under subsection (a) shall include the following:

(1) An interagency plan and road map for verification and monitoring, with respect to policy, operations, and research, development, testing, and evaluation, including—

(A) identifying requirements (including funding requirements) for such verification and monitoring; and

(B) identifying and integrating roles, responsibilities, and planning for such verification and monitoring.

(2) An engagement plan for building cooperation and transparency to improve inspections and monitoring.

(3) A research and development program to—

(A) improve monitoring, detection, and in-field inspection and analysis capabilities, including persistent surveillance, remote monitoring, and rapid analysis of large data sets, including open-source data; and

(B) coordinate technical and operational requirements early in the process.

(4) Engagement of relevant departments and agencies of the Federal Government and the military departments (including the Open Source Center and the United States